

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ROBERTO DURAND,

Case No. 3:22-cv-00237-LRH-CSD

Petitioner,

ORDER

v.

WILLIAM RUEBUART, et al.,

Respondents.

Petitioner Roberto Durand, a *pro se* Nevada prisoner, submitted a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 and an application for leave to proceed *in forma pauperis* (“IFP”). (ECF Nos. 1-1, 3.)


The court may authorize an indigent prisoner to begin a habeas action without paying the \$5 fee if he or she submits an IFP application on the approved form and includes three specific documents: (a) the prisoner’s financial declaration and acknowledgement showing an inability to prepay fees and costs, (b) a financial certificate signed by the prisoner and an authorized prison official, and (c) a copy of the prisoner’s account statement for the six-month period prior to filing. 28 U.S.C. § 1915(a); LSR 1-1, LSR 1-2. Petitioner has not included a financial certificate or a copy of his account statement. As such, his application for leave to IFP is incomplete. Petitioner will have 45 days from the date of this order to submit a complete IFP application with all required documentation or, alternatively, pay the \$5 filing fee.

IT IS THEREFORE ORDERED:

1. The initial screening of Petitioner’s Petition for Writ of Habeas Corpus (ECF No. 1-1) under the Rules Governing Section 2254 Cases is deferred to until such time as he has fully complied with this order.

2. The Clerk of Court is instructed to send Petitioner a blank form IFP application for incarcerated litigants along with *two* copies of this order.
3. **Within 45 days of the date of this order**, Petitioner must file a complete IFP application that includes a: (a) financial certificate signed by Petitioner and an authorized prison official, (b) financial declaration and acknowledgement signed by Petitioner, and (c) copy of Petitioner's inmate account statement for the six-month period prior to filing. Alternatively, Petitioner must pay the \$5 filing fee within 45 days. If Petitioner decides to pay the filing fee from his inmate account, he must arrange to have a copy of this order attached to the check for the filing fee.
4. Petitioner's failure to comply with this order within 45 days by (a) submitting a complete IFP application, or (b) paying the filing fee will result in the dismissal of this action without prejudice and without further advance notice.

DATED this 31st day of May 2022.


LARRY R. HICKS
UNITED STATES DISTRICT COURT